

## The Honorable Tana Lin

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NICOLE TOKARSKI, on behalf of herself  
and all others similarly situated,

No. 2:21-CV-00631-TL

**Plaintiff,**

V.

MED-DATA, INC.,

Defendant.

**STIPULATED MOTION AND  
[PROPOSED] ORDER TO  
AMEND CASE SCHEDULE**

**NOTED FOR CONSIDERATION:**  
July 25, 2022

## I. STIPULATION

On May 2, 2022, the Court entered an Order setting August 4, 2022, as Plaintiff's deadline to file her motion for class certification. Dkt. No. 65. For the good cause explained below, the Parties respectfully request that the Court extend Plaintiff's deadline to file her motion for class certification to 70 days from August 4, 2022 and adjust all related response dates for the motion for class certification and other case deadlines to account for the 70-day adjustment.

The Local Rules allow parties to file stipulated motions, including to request relief from a deadline. LCR 7(d)(1); LCR 10(g) (providing that stipulated motions to alter schedules previously set by the court should be supported by reasons justifying the proposed change); *Doe v. Trump*, No. 2:17-CV-00178-JLR, 2017 WL 1378504, at \*1 (W.D. Wash.

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1      Apr. 11, 2017); *see also* Dkt. No. 22 at 3 (“The Court will alter these dates only upon good  
 2 cause shown; failure to complete discovery within the time allowed is not recognized as good  
 3 cause.”).

4      Defendant has taken the deposition of Plaintiff Nicole Tokarski and Plaintiff has taken  
 5 the 30(b)(6) deposition of Defendant Med-Data, Inc.

6      Mediation was initially scheduled for July 7, 2022 but had to be rescheduled due to  
 7 unavailability of persons necessary to the mediation. The Parties have confirmed that the  
 8 mediation will now take place on September 8, 2022.

9      As this Court is aware, several other cases related to this data breach are currently  
 10 pending, including *M.S., et al. v. Med-Data, Inc.*, 4:22-cv-00187 (Southern District of Texas)  
 11 and *C.C. v. Med-Data, Inc.*, which was originally filed in the District of Kansas but has since  
 12 been remanded to Kansas state court. Plaintiff is actively cooperating with counsel in the  
 13 Texas and Kansas matters to coordinate discovery. Additionally, the parties in those matters  
 14 have now agreed to pursue global mediation while continuing to complete the coordinated  
 15 discovery.

16     As they prepare for mediation, the parties continue to conduct discovery that they  
 17 believe may usefully inform mediation, including searching for electronically stored  
 18 information and preparing expert reports. The parties continue to believe that everyone’s time  
 19 is best spent focusing on preparing for mediation rather than preparing for contested class  
 20 certification.

21     Extending the current deadlines will allow the parties to focus their efforts on the  
 22 coordinated discovery and potential global settlement of this matter, saving not just the  
 23 judicial resources of this Court but those of multiple other courts in which related actions are  
 24 pending. There is therefore good cause to extend the deadline for a motion for class  
 25 certification.

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The Parties also request that this Court exercise its discretion to refrain from deciding the fully-briefed Rule 12(b)(1) motion (along with the motion to file a sur-reply on that question) until 14 days after the September 8, 2022 mediation. See Dkt. No. 66; Dkt. No. 78. This brief suspension serves three purposes: (1) it preserves the Court's resources given the potential for a negotiated settlement; (2) it avoids the potential for a substantial change in the legal circumstances of the case that might require further evaluation delaying mediation; and (3) it avoids the potential for conflicting or duplicative rulings among the pending cases.

Accordingly, to allow for sufficient time to complete mediation, the Parties agree and stipulate, subject to the Court's approval, to an extension as follows:

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Deadline for Plaintiff to File Motion for Class Certification	August 4, 2022	October 13, 2022
Deadline for Defendant to File Response on Motion for Class Certification	September 1, 2022	November 10, 2022
Deadline for Plaintiff to file Reply on Motion for Class Certification	September 22, 2022	December 1, 2022
Discovery Deadline	45 days after Court's ruling on Class Certification	45 days after Court's ruling on Class Certification
Deadline for Filing Dispositive Motions	75 days after Court's ruling on Class Certification	75 days after Court's ruling on Class Certification

STIPULATED TO AND DATED this 25<sup>th</sup> day of July, 2022.

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4     *Attorneys for Plaintiff Nicole Tokarski*

1                   **II. ORDER**

2                 Based on the forgoing parties' stipulation and for good cause, IT IS HEREBY  
3 ORDERED THAT the current deadlines regarding class certification are extended by 70  
4 days;

5                 IT IS FURTHER ORDERED THAT the Court shall hold in abeyance its decision on  
6 the motion filed at Dkt. No. 66 and the related motion at Dkt. No. 78 until September 22,  
7 2022.

8                 Dated this 28th day of July 2022.

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11                 Tana Lin  
12                 United States District Judge

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